

February 13, 2001

The Salisbury Planning Board held its regular meeting on Tuesday, February 13, 2001, in the City Council Chambers of the Salisbury City Hall at 4:00 p.m. with the following being present and absent:

PRESENT: Sean Reid, Elaine Stiller, Mark Lewis, Jeff Smith, Jeff Sowers, Mark Perry, Leigh Ann Loeblein, Ken Mowery, Andy Storey, John Daniels, Fred Dula

ABSENT: DeeDee Wright

STAFF: Harold Poole, Patrick Kennerly, Hubert Furr, Dan Mikkelson, Janice Hartis

The meeting was called to order by Chairman Lewis. The minutes of January 9, 2001, were approved as published.

### **ZONING MAP AMENDMENTS**

Z-1-01 Salisbury Planning Board, Jake Alexander Boulevard West from Dan Street to railroad  
Location: Properties located on the east and west side of Jake Alexander Boulevard West between Dan Street and the Norfolk-Southern railroad tracks, western line  
Size: Approximately 44 acres  
Existing Zoning: R-8 Single Family-8 Residential; M-2 Heavy Industrial  
Proposed Zoning: PSP Public/Semi-Public; B-6 General Business; B-6 with GD-A General Business with General Development "A" overlay

(a) Chairman Lewis convened a courtesy hearing on Z-1-01.

Those speaking in favor of the zoning change request:

Elizabeth Ruth, 1632 Wiltshire Road. This board has always been a proponent of neighborhoods. The Milford Hills neighborhood is being ignored. There's no reason this area on Jake Alexander should be zoned M-2. It's entirely too close to a residential area. This neighborhood has been established since the 1930s. Unfair that this area has slipped through the cracks and zoned M-2 Heavy Industrial.

O. C. Harris, 116 South Milford Drive. Grew up in this area and has seen a lot of change in the area over the years. The M-2 zoning is detrimental to the neighborhood.

Jana Annas, 140 McCoy Road. This area is an old part of Salisbury and wants it to stay residential.

Those speaking in opposition to the zoning change request:

Glenn Ketner, Jr., representing Associated Asphalt. What we have here is primarily an odor problem. Associated Asphalt has made a commitment to solving that problem. They are now in their third ecosorb system which is capturing and treating the asphalt fumes as they come off the tanks and before the asphalt is pumped into the trucks. The remaining part of the problem

is the rail cars which come in and are heated and have to be vented in order for the asphalt to be pumped into the tanks. An ecosorb system for the rail cars is being installed this week. A weather station has been installed which enables the company to download information on an hourly basis in an effort to relate the complaints with the wind velocity, wind direction, and relative humidity. The M-2 zoning has been there for many years, and there has been a plant of this type there for 40-50 years. His client made an investment here in 1997 based on that existing use and the existing zoning. Rezoning takes away vested rights and diminishes the value of his client's property. Rezoning will not solve the odor problem. That problem can be solved by the continuing commitment of his client by communications.

Ray Ledford, Waxhaw, president of Concrete Supply Company. Produces ready-mix concrete and has been a corporate citizen of Salisbury for approximately 21 years. Opposes the rezoning for several reasons: (1) Part of the problem is the odor problem from one or both of the asphalt facilities. Concrete Supply has never been a part of that problem. (2) The rezoning would place their company at a unfair competitive advantage. They would no longer be able to grow with this community by adding to capacity of the plant. If large projects were to come along, in all probability they would not be able to compete for those projects because large projects call for additional storage and capacity. A company which has been in business for 21 years serving the construction needs of this community would be forfeiting business to their two competitors who have been in town a much shorter period of time. Recommends that the rezoning petition be denied and attack the particular odor problem through enforcement of ordinances. He also recommends that the Concrete Supply property be withdrawn from the rezoning request and limit it to companies that either front on or can be seen from Jake Alexander Boulevard. You can do neither of these with Concrete Supply property.

The chairman closed the courtesy hearing on this case.

Approximately 20 people stood in favor of the rezoning request and six stood in opposition.

(b) Board Discussion:

Jeff Sowers asked how many businesses would become nonconforming if this property were rezoned to B-6. Mr. Poole responded that Concrete Supply, APAC, and Associated Asphalt would become nonconforming. Those that would continue to be in compliance would be Woodleaf Lanes, Ted's Chicken, and the contractor's office for Patterson Paving. Across the street, Morningstar Star would be in compliance. The majority of the properties would be in compliance.

Jeff Smith commented he had served on the committee that studied downzoning just the Associated Asphalt property as well as the small area Jake Alexander Boulevard study committee. He was against rezoning the single Associated Asphalt property mainly because of his concern for spot zoning. He agreed with looking at it as a small area plan like we've done north of the railroad tracks and like we'll continue to do south of the railroad tracks. He indicated that rezoning this property is appropriate. We need to look to the future of this area. He is reluctant to consider downzoning a commercial area, but he thinks this is an appropriate way to look at it as a small area plan. He moved to recommend rezoning properties now zoned R-8 and M-2 to PSP Public/Semi-Public as proposed, rezoning properties now zoned M-1 to B-6

General Business as proposed, retain the B-1 zoning for the property located at the intersection of Jake Alexander Boulevard and Dan Street as proposed, and to extend the GD-A overlay on the east side of Jake Alexander Boulevard over the Morningstar property. The motion was seconded by Elaine Stiller.

Mark Perry commented that this neighborhood has been in existence for a long time and is one of the jewels of a neighborhood in Salisbury. He doesn't want to do anything to jeopardize that neighborhood. This downzoning does not take away the industries' ability to continue operating. Feels it is perfectly legitimate to contain the activities of these industries through this downzoning. He cited Policies 4.4 and 12.4 from the Salisbury 2000 policies as being very clear about the separation of industrial areas from neighborhoods

Sean Reid said when you weigh an industry versus a neighborhood, you've got to protect the neighborhood.

All members voted AYE on the motion except Mr. Daniels who voted NAY. The motion carried.

Sean Reid moved to recommend removing the Sign "C" overlay from Jake Alexander Boulevard. The motion was seconded by Andy Storey with all members voting AYE.

As a result of the recommendation for downzoning the R-8 and M-2 property to PSP, the Army Reserve Center will become a nonconforming use in the proposed PSP district. Ken Mowery moved to recommend approving a zoning text amendment which would add "army reserve center" as a permitted use in the PSP District. The motion was seconded by Jeff Smith with all members voting AYE.

Z-2-01 Wiley B. Drye, 1560 Henderson Grove Church Road  
Location: Henderson Grove Church Road near Interstate 85  
Size: Approximately 1.04 acres  
Existing Zoning: A-1 Agricultural  
Proposed Zoning: M-1 Light Industrial

(a) Chairman Lewis convened a courtesy hearing on Z-2-01.

Those speaking in favor of the zoning change request:  
Wiley Drye, the proponent.

Those speaking in opposition to the zoning change request:  
None

One person stood in favor of the rezoning and no one stood in opposition.

The chairman closed the courtesy hearing on this case.

(b) Board Discussion:

In the staff presentation of this case, it was mentioned that there are three A-1 zoned properties between the property in question and the M-1 Light Industrial district. These three properties have single family residences built more than 40 years ago. It appears likely that these lots will transition away from residential uses in the future. Staff would urge consideration of these three properties for rezoning to M-1 along with the current request.

Sean Reid cited Policy 1.6 of the Salisbury 2000 policies and commented that this area has outgrown the A-1 status. Being close to Interstate 85, the M-1 status will help it grow and create economic development in the area. Leigh Ann Loeblein moved to recommend rezoning the property as proposed and to include the adjacent three properties in the rezoning to M-1 Light Industrial. The motion was seconded by John Daniels with all members voting AYE.

### **GROUP DEVELOPMENTS**

G-4-2000 Rowan Regional Medical Park, Phase II, 660 Julian Road

Due to a conflict of interest, Ken Mowery was excused during discussion of this case.

The Technical Review Committee recommends approval of the site plan for a medical building within the Rowan Regional Medical Park on Julian Road. On a motion by Leigh Ann Loeblein, seconded by Jeff Smith, with all members voting AYE, the site plan was recommended for approval.

G-17-1985 Woodfield (The Willows), Lot 24, 1315 Overhill Road and Old Mocksville Road

The Technical Review Committee recommends approving the proposal to subdivide Lot 24 into three lots. On a motion by Jeff Sowers, seconded by Leigh Ann Loeblein, with all members voting AYE, the site plan was recommended for approval.

### **COMMITTEE REPORTS**

Campgrounds – Leigh Ann Loeblein reported for the committee. The committee discussed establishing a minimum size for campgrounds, discussed density, minimum space requirements, and has suggested a proposed ordinance for consideration by the board. The committee report and proposed ordinance comes to the Board as a motion to approve. The motion was seconded by Sean Reid. With all members voting AYE, the following was recommended to City Council for their consideration.

1. To Section 8.01, Agricultural District (A-1), add: "Campgrounds in accordance with provisions in Section 12.37."
2. Add Section 12.37, Campgrounds, to read as follows:

"Section 12.37. Campgrounds

(1) Definitions:

- (a) Campground or Recreational Vehicle Park: Land containing two or more campsites which are located, established, or maintained for occupancy by people in temporary living quarters, such as tents, recreational vehicles, or travel trailers which are used for

recreation or vacation purposes. A 'mobile home park' shall not be deemed a campground or recreational vehicle park.

(b) Campsite: Any plot of ground within a campground intended for exclusive occupancy by a cabin, recreational vehicle, or tent.

(c) Recreational Vehicle: A vehicle or portable structure which can be towed, hauled, or driven and is primarily designed as temporary living accommodation for recreational, camping, and travel use. A recreational vehicle shall not be considered as a dwelling unit.

(2) Review: All campgrounds shall go through Section 12.06, Group Development Site Plan Review, and meet all applicable requirements in Section 12.06-4, Site Development Plan provisions, in addition to the requirements in this section.

(3) Size: Minimum of three acres; maximum of 10 acres.

(4) Density: Maximum of 10 campsites per acre.

(5) Minimum space requirements:

(a) Each space shall consist of at least 2,000 square feet;

(b) Each space shall be designated on the ground by permanent markers or monuments.

(6) Minimum setbacks for campsites and accessory structures:

(a) 100 feet from any adjoining property line;

(b) 50 feet from any public street right-of-way

(7) Minimum setbacks for recreational vehicles (or travel trailers): Setbacks shall be at least 10 feet from each other or from accessory structures, such as attached awnings or carports, or individual storage facilities.

(8) Access to the site: Access shall be provided by a major or minor thoroughfare, as depicted on the Salisbury Thoroughfare Plan.

(9) Interior drives:

(a) Each campsite shall abut an interior drive;

(b) A minimum of 18 feet in width for two-way travel; a minimum of 12 feet in width for one-way travel;

(c) Paved or consist of a minimum of six-inch compacted gravel

(d) No parking on either side.

(10) Parking: An all-weather surface area, such as pavement or gravel, with sufficient dimensions to accommodate at least one automobile and camping vehicle shall be constructed within each site.

(11) Walkways: Sidewalks and other walkways within the campground area shall be at least four feet in width with an all-weather surface, such as pavement or gravel. Nature trails are not required to have all-weather surfaces.

(12) Unpaved Areas: All unpaved areas within the campground shall have vegetative ground cover adequate to prevent erosion and dust.

(13) Trees: At least one tree shall be provided for each two camping spaces.

(14) Recreation area:

(a) In all campgrounds there shall be at least one recreation area that shall be easily accessible to all spaces.

(b) The size of such area shall not be less than eight percent of the gross site area.

(15) Buffer:

(a) Adjoining residentially zoned properties – Type C buffer yard, with complete visual separation.

(b) Adjoining non-residentially zoned properties – Type B buffer yard.

- (16) Trash collection areas: All trash collection areas shall be completely screened from view at any public right-of-way or property line.
- (17) Telephone: At least one public telephone shall be provided.
- (18) Utilities:
  - (a) All utilities shall be located underground;
  - (b) The installation, alteration, or use of all utilities including, but not limited to, electrical service, plumbing fixtures, and sewage disposal systems shall conform with all applicable codes.
  - (c) Each park shall obtain water from a municipal water supply when available and, when unavailable, from a source approved by the county health department. The water supply and pressure shall be adequate for the park requirements.
- (19) Signage: Signage shall be in accordance with the Residential Sign Table in Section 9.05(8).
- (20) Maximum length of stay:
  - (a) 30 consecutive days;
  - (b) 90 days per calendar year
- (21) Employee(s): Each campground shall provide at least one full-time attendant.
- (22) Manufactured dwellings: It shall be unlawful for a person to park or store a manufactured dwelling in a campground, except that one manufactured dwelling may be located within the park for exclusive use by the park manager or operator. This manufactured dwelling shall be located in an area designated on the site plan and approved by reviewing boards.
- (23) Accessory uses:
  - (a) The park may contain a retail sales counter and/or coin-operated machines for the park residents' use only, provided they are enclosed within a structure and there is no exterior advertising.
  - (b) The park may contain laundry facilities, limited in usage to campground patrons.
- (24) Conflicts: If there are any conflicts in regulations for campgrounds, these regulations in Section 12.37 shall supersede those other regulations."

Site Plan Review – Jeff Smith reported for the committee. Site plan review is triggered when the proposed use is located within certain districts, is located in a GD-A overlay area, it involves two or more buildings, two or more dividing walls, and the proposed use is more than 60,000 square feet. Staff prepared information on the 32 permits issued in 2000 for structures greater than 3,000 square feet as to date issued, property address, zoning classification, project cost, previous use, proposed use, owner, size of building. Staff also provided information on sample square footage and parking spaces for 18 relatively new buildings. The committee is looking at lowering the square foot requirement to 10,000 square feet, but also factor in parking spaces, which is suggested to be 30 total spaces. The committee is asking whether they should continue looking at parking spaces as a determination for site plan review and, if so, what should that number be.

Zoning Administrator Hubert Furr indicated he felt the 10,000 square foot requirement would be sufficient for triggering site plan review rather than basing it on parking spaces.

Jeff Sowers asked if the committee was trying to reduce the sea of asphalt in evaluating the square footage versus parking space. Leigh Ann Loeblein responded that if we address the

size of the asphalt area, we can better control drainage runoff onto adjacent properties and other potential problems. Mark Lewis said the committee felt too many projects were being built without Planning Board review. Site plan review is one of the best tools the Board uses. Mr. Furr indicated that if any changes are made to group development requirements, the Board also needs to look at the sign requirements for group developments. Jeff Smith moved to refer this matter back to the committee to specifically look at the sign issue and come back with a number of parking spaces. The motion was seconded by Jeff Sowers with all members voting AYE.

Billboards – Sean Reid gave a status report. The committee has met with a representative from N.C. DOT who handles billboard permitting. The committee will be meeting again to look at maps showing the location of all billboards along U. S. 29 and Jake Alexander Boulevard.

Mark Lewis reported that he had made a presentation to City Council on February 6 asking for a six-month suspension on the issuance of permits or allowing the replacement of billboards in the Sign Overlay Districts “B” and “C.” This was agreed upon by Council.

### **NOMINATING COMMITTEE**

Chairman Lewis appointed Leigh Ann Loeblein, Sean Reid and Elaine Stiller to the Nominating Committee for nominations of Chairman and Vice Chairman for the upcoming year.

### **SALISBURY 2020**

Chairman Lewis announced there would be a Vision 2020 public forum on Monday, February 19, from 7:00 to 9:00 p.m. The City Council will probably hold a public hearing on March 6 for consideration of adoption.

There being no further business to come before the Board, the meeting was adjourned.

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Chairman

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Secretary